

05-19-08

AF



PATENT  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/807,018

Filed: March 23, 2004

For: Shingle With Sharply Defined Tabs Separated by Slots and Method of  
Making

Inventors: Husnu M. Kalkanoglu and Robert L. Jenkins

Examiner: Parker, Frederick John

Art Unit: 1792

Atty. Doc. No.: 116-03

---

**APPEAL BRIEF**

Volume 2 of 2.

12. I have observed over many years that, in the shingle art, the U.S. Patent Office regularly issues utility patents that are in the category that is specifically directed to aesthetic or ornamental aspects of shingles and that such satisfies any requirement of mechanical function, such as giving manufactured asphalt multi-tab shingles the appearance of natural materials or for the purpose of providing other aesthetic or ornamental effects. Examples of such patents are the following, all of which are in this category:

- U.S. patent 4,130,974 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, "simulating a row of wooden shingles";
- U.S. patent 4,207,936 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, texturing the surface of wood to provide a rough appearance;
- U.S. patent 4,274,243 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to simulate a series of alternating ridges and valleys of a portion of a tile covered roof;
- U.S. patent 4,366,197 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to simulate a plurality of shingle elements laid side-by-side;
- U.S. patent 4,402,169 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide an aesthetically attractive shadow line to simulate thickness;
- U.S. patent 4,416,940 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, for imparting a simulated weathered-copper appearance to a substrate;
- U.S. patent 4,434,589 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a decorative appearance that somewhat resembles that of a shake roof ridge cover;
- U.S. patent 4,439,955 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a decorative appearance that somewhat resembles that of a shake roof ridge cover;

- U.S. patent 4,583,344 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to simulate a thatched roof;
- U.S. patent 4,611,451 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to simulate a thatched roof;
- U.S. patent 4,672,790 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a three-dimensional highly textured appearance;
- U.S. patent 4,739,603 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to simulate a thatched roof;
- U.S. patent 5,186,980 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a varied appearance for the shingles of a bundle when installed on a roof;
- U.S. patent 5,232,530 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to enhance the appearance of a roof by providing enhanced relief;
- U.S. patent 5,305,569 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a pleasing layered appearance to the roof;
- U.S. patent 5,375,387 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to simulate an authentic roof;
- U.S. patent 5,426,902 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide visually sharp, precise delineation between zones of lighter and darker shading;
- U.S. patent 5,595,036 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide roof shingles which appear decorative and stylish and to provide a visually attractive appearance simulating an impression of thicker shingles;

- U.S. patent 5,611,186 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide the appearance of depth or thickness often associated with wood shingles;
- U.S. patent 5,660,014 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide visually sharp, precise lines of delineation between portions of lighter and darker shadings;
- U.S. patent 5,666,776 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide an appearance of shingle depth created by the combined visual appearance of the color contrasts and gradations provided the different shingle sheets;
- U.S. patent 5,901,517 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide visually sharp, precise delineation between zones of lighter and darker shading;
- U.S. patent 6,014,847 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to produce staggered shadow lines which enhance the three-dimensional appearance of a roof surface upon which the shingles are applied;
- U.S. patent 6,025,052 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to realistically resemble the appearance and texture of natural slate;
- U.S. patent 6,125,602 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to give the resulting roof having such ridge covers thereon a pronounced three-dimensional appearance;
- U.S. patent 6,174,403 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to create a pleasing color contrast and accentuate the difference in elevation between the shingle layers and to present a random or non-random color pattern;
- U.S. patent 6,182,400 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to create a ridge cover having an appearance similar to that of a shake shingle roof;

- U.S. patent 6,190,754 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide color gradation from light to dark across a shingle;
- U.S. patent 6,195,951 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a shingle with visually sharp, precise delineations between zones of lighter and darker shading;
- U.S. patent 6,212,843 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to yield the appearance of shingles that are thicker than they actually are, with transverse shadow lines;
- U.S. patent 6,226,949 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to have the roofing materials simulate natural thatch material;
- U.S. patent 6,289,648 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide color gradations on portions of the shingle;
- U.S. patent 6,305,138 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide visually sharp, precise delineation between zones of lighter and darker shading;
- U.S. patent 6,361,851 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a visually distinguishable difference in texture between different portions of the shingle;
- U.S. patent 6,419,780 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a wide variety of aesthetic effects by varying the color formulation of the granules on the shingle;
- U.S. patent 6,455,113 is for the purpose of making a shingle or tile structure directed to aesthetic or ornamental aspects of shingles; namely, to create a smooth continuous snow drift appearance when the tiles are affixed to a surface;
- U.S. patent 6,467,235 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to yield the

appearance of multi-tab shingles that are thicker than they actually are, with transverse shadow lines;

- U.S. patent 6,523,316 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide visually sharp, precise delineation between zones of lighter and darker shading;
- U.S. patent 6,607,781 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide a decorative metallic appearance and enhanced stability against degradation of color;
- U.S. patent 6,679,020 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, for enhancement of the shingle's visual appeal and thickness;
- U.S. patent 6,679,308 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, for enhancement of the shingle's visual appeal and thickness;
- U.S. patent 6,684,587 is for the purpose of making a shingle structure directed to aesthetic or ornamental aspects of shingles; namely, so that the shingle impressions and the multiple shingle impression courses give the appearance that the corner piece substantially blends into siding panels;
- U.S. patent 6,698,151 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, so that the shingles optically simulate a tiled roof;
- U.S. patent 6,715,252 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide visually sharp, precise delineation between zones of lighter and darker shading;
- U.S. patent 6,823,637 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, so that a shading area having granules of different color or shade in appearance than other portions of the shingle, are provided;
- U.S. patent 6,907,702 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to give the appearance of shingles having different lengths;

- U.S. patent 6,920,730 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, for enhancement of the shingle's visual appeal and thickness;
- U.S. patent 6,983,571 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, so that the construction panel imitates the appearance of tile, naturally occurring shingles, or shakes, or slate;
- U.S. patent 7,073,295 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, to provide the shingle with an appearance of depth and thickness at adjacent shingle ridge covers on a roof;
- U.S. patent 7,117,652 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, so that the thatch roofing members appear to be thicker than in actuality;
- U.S. patent 7,240,462 is for the purpose of making a shingle or roof structure directed to aesthetic or ornamental aspects of shingles; namely, so that the overlay shading area of the shingle is darker in appearance than a portion of a remainder of the overlay member;

The granting of patents because of ornamental or aesthetic features that are enabled by structural features of the shingles that produce such ornamental or aesthetic features has thus been the practice of the U.S. Patent Office for more than the last 30 years.